

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JUAN MENDEZ,

Petitioner

v.

JOHN NASH,

Respondent

:
:
:
:
:
:
:
:
:
:

CIVIL NO. 1:CV-03-2370

(Judge Rambo)

MEMORANDUM and O R D E R

Petitioner, Juan Mendez, commenced this action with a *pro se* petition for writ of habeas corpus filed pursuant to the provisions of 28 U.S.C. § 2241. Petitioner challenges the loss of good conduct time as a disciplinary sanction for a misconduct occurring while he was a pre-trial detainee. By order dated March 17, 2005, this court denied Petitioner's motion to supplement his habeas petition, with a challenge to his conviction and sentence, as well as a claim that the prosecutor has breached Petitioner's plea agreement. Presently before the court is Petitioner's motion for reconsideration (Doc. 11) of the court's order denying leave to amend. Because this court finds that Petitioner has failed to provide the evidence required for a successful motion for reconsideration, Petitioner's motion will be denied.

A motion for reconsideration is a device of limited utility, and it permits the district court to reconsider its prior order. *Hairston v. Alert Safety Light Products,*

307 F.3d 717 (8th Cir. 2002). It may be used only to correct manifest errors of law or fact, or to present newly discovered precedent or evidence which, if discovered previously, might have affected the court's decision. *Harsco Corp. v. Zlotnicki*, 779 F.2d 906 (3d Cir. 1985).

In his pending motion, Petitioner fails to demonstrate a change of law, new evidence, or a need to correct clear error of law that indicates his previous motion merits reconsideration. Petitioner is asking this court to rethink its earlier decision. Such a request is not an appropriate basis for reconsideration. *Glendon Energy Co. v. Borough of Glendon*, 836 F.Supp. 1109, 1122 (E.D. Pa. 1993) (a motion for reconsideration is *not* properly grounded on a request that a court rethink a decision already made).

Accordingly, because this court finds that Petitioner has not satisfied the requirements for a successful motion for reconsideration, **IT IS HEREBY ORDERED THAT** Petitioner's motion (Doc. 14) is **DENIED**.

s/Sylvia H. Rambo
SYLVIA H. RAMBO
United States District Judge

Dated: August 18, 2005.